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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

Attorneys for Defendants Wells Fargo Bank, N.A. d/b/a America's Servicing Company, sued here as America's Servicing Company, and Mortgage Electronic Registration Systems, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN W. WITTRIG,

Plaintiff,

VS.

FIRST NATIONAL BANK OF NEVADA;
FIRST AMERICAN TITLE
INSURANCE COMPANY; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC. [MERS]; QUALITY
LOAN SERVICE CORP.; AMERICA'S
SERVICING COMPANY; LSI TITLE
AGENCY, INC.; ROBERT STONE; U.S.
BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR CSMC MORTGAGE-
BACKED PASS-THROUGH
CERTIFICATES, SERIES 2007-3; and
DOES 1-25 CORPORATIONS, DOES and
ROES 1-25 Individuals, partnerships, or
anyone claiming any right, title, estate, lien
or interest in the real property described
herein.

Defendant.

Case No. 3:11-CV-00131-ECR-VPC

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO
COMPLETE DISCOVERY**

(First Request)

1 Pursuant to LR 26-4, the parties, by and through their respective counsel of record, and for
 2 good cause shown, hereby stipulate to extend the time to complete discovery as set forth below.

3 **(a) Discovery Completed**

4 Plaintiff John W. Wittrig ("Plaintiff") served his initial disclosures on September 12,
 5 2011. Defendants Wells Fargo Bank, N.A. d/b/a America's Servicing Company, sued here as
 6 America's Servicing Company ("Wells Fargo") and Mortgage Electronic Registration Systems,
 7 Inc., ("MERS") served their initial disclosures on August 31, 2011, and Defendants Quality Loan
 8 Service Corporation ("Quality") and LSI Title Agency, Inc. ("LSI") (collectively, "Defendants")
 9 served their initial disclosures on August 26, 2011. Additionally, Wells Fargo and MERS
 10 propounded the following written discovery requests on September 1, 2011: Request for
 11 Admissions, Request for Production of Documents, and Interrogatories ("Requests"). Plaintiff
 12 responded to those Requests on September 21, 2011.

13 **(b) Discovery Remaining to be Completed**

14 Plaintiff's deposition is currently set for October 10, 2011, however, due to a scheduling
 15 conflict, Plaintiff's counsel is no longer available on that day. The Parties will continue to work
 16 together to find a mutually agreeable date for Plaintiff's deposition.

17 **(c) Reasons Why Discovery was not Completed**

18 Defendants and Plaintiff submit to the Court that good cause exists to extend the
 19 discovery deadline. On March 7, 2011, Quality filed a Motion to Dismiss. Additionally, Wells
 20 Fargo and MERS filed their Motion to Dismiss Plaintiff's Complaint to Quiet Title and other
 21 Equitable Relief and to Expunge Lis Pendens ("Motion to Dismiss") on April 15, 2011. To date,
 22 the Court has not made a ruling on either of the Motions to Dismiss. Because the Motions to
 23 Dismiss have not yet been ruled on at this juncture, the Parties wish to preserve Defendant's
 24 ability to take Plaintiff's deposition. The Court will need time to review the briefing on these
 25 Motions, thus the Parties believe that good cause exists to grant a continuance of discovery and
 26 dispositive motion deadlines, based on the aforementioned.

27 Moreover, Plaintiff's counsel recently advised Wells Fargo and MERS' counsel that he
 28 would be unable to attend the deposition, noticed on September 7, 2011, for October 10, 2011.

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1 And because Wells Fargo and MERS' counsel begin trial on October 18, 2011, the deposition
 2 cannot be scheduled within the next few weeks. These events, combined with the pending
 3 Motions to Dismiss, prompted counsel to request this discovery extension.

4 The extension of discovery deadlines will not affect the trial date; therefore, the Court
 5 will not need to issue a new scheduling order.

6 **(d) Proposed Schedule for Completing Remaining Discovery**

7 Defendants and Plaintiff propose that the discovery cut-off date be moved from October
 8 12, 2011, to December 12, 2011 to allow for the taking of Plaintiff's deposition only. The parties
 9 further propose that the cut-off date by which dispositive motions shall be filed be moved from
 10 November 11, 2011 to January 11, 2012. Lastly, Defendants and Plaintiff propose that the date
 11 to file the Pretrial Order be moved from December 12, 2011 to February 10, 2012.

12 **(e) Conclusion**

13 The parties respectfully submit that the parties need additional time to conduct Plaintiff's
 14 deposition and await the Court's decision on the Motions to Dismiss. The reasonable extension
 15 sought will not impact the trial because a trial date has not yet been set. As such, the parties
 16 respectfully request that the Court amend its current Scheduling Order to accommodate the
 17 reasonable extension requested above.

18 DATED: October 7, 2011

DATED: October 7, 2011

19 LAW OFFICE OF RICK LAWTON

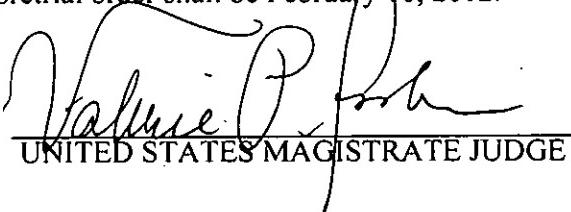
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1 DATED: October 7, 2011
2
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Service Corporation and LSI Title Agency,
Inc.*

12 ORDER
13
14 IT IS SO ORDERED. *This is the final extension of
the scheduling order VPC*
15 1. The new discovery cut-off date shall be December 12, 2011 and shall be used to
16 take Plaintiff's deposition only.
17 2. The new deadline to file dispositive motions shall be January 11, 2012.
18 3. The new deadline to file the pretrial order shall be February 10, 2012.
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20 Dated this 14 day of October, 2011.
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UNITED STATES MAGISTRATE JUDGE

Submitted by:

SNELL & WILMER L.L.P.

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